

# By-Law No. 2017-217

*A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of the lands known municipally as 190 Richmond Road*

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**Enacted On:** 2017-07-12

**OttWatch Bylaw Reference:** <http://ottwatch.ca/bylaws/2017-217>

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BY-LAW NO. 2017 - 217

A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of the lands known municipally as 190 Richmond Road.

The Council of the City of Ottawa, pursuant to Section 34 of the *Planning Act*, R.S.O.1990, enacts as follows:

1. The Zoning Map of By-law No. 2008-250, entitled the "City of Ottawa Zoning By-law" is amended by rezoning the lands shown on Attachment 1 to this by-law as follows:

- (a) Area A from R2S[554] S208 to TM[123] H(21.5);
- (b) Area B from R3R to O1;
- (c) Area C from R2S[554] S208 to O1;
- (d) Area D from R2S[554] S208 to TM[123] H(15);and
- (e) Area E from TM[123] H(15) to TM[123] H(21.5).

2. Exception 123 of Section 239 – Urban Exceptions of the said By-law No. 2008-250 is amended as follows:

- (a) Column V is amended by deleting the following text:
  - “- minimum yard setback requirements:
  - front: 7.5 m
  - corner side yard: 1.7 m
  - interior side yard abutting residential zone: 70 m for first 160 m from front lot line and 60 m for remainder of property” and,
  - “-restaurant uses may only be located within 180 m of Kirkwood Avenue”;
- (b) Column V is further amended by adding the following text:
  - “-In the area zoned TM [123] H(21.5) the following applies:
  - the minimum corner side yard setback is 2.5 m.
  - the fifth and sixth storey must be setback a minimum of 1.5 m further from the corner and rear lot lines than the storeys below.
  - Non-residential uses are prohibited.
  - Table 197(c) does not apply.
  - Table 197(g)(ii)(2) does not apply.
  - Minimum rear yard setback is 6.5m.The following provisions dealing with Section 37 authorization apply:
  - Pursuant to Section 37 of the Planning Act, the height and density of development permitted in this by-law are permitted subject to compliance with all of the conditions set out in this by law including the provision by the owner of the lot of the facilities, services and matters set out in Section 14 of Part

19 hereof, to the City at the owner's sole expense and in accordance with and subject to the agreement referred to in b. below of this by-law.

-Upon execution and registration of an agreement or agreements with the owner of the lot pursuant to Section 37 of the Planning Act securing the provision of the facilities, services or matters set out in Section 14 of Part 19 hereof, the lands are subject to the provisions of this By-law. Building permit issuance with respect to the lot shall be dependent upon satisfaction of the provisions of this by-law and in the Section 37 Agreement relating to building permit issuance, including the provision of monetary payments and the provision of financial securities.

-Wherever in this by-law a provision is stated to be conditional upon the execution and registration of an agreement entered into with the City pursuant to Section 37 of the Planning Act, then once such agreement has been executed and registered, such conditional provisions shall continue.”

3. Part 19 – Section 37 Provisions of the said By-law No. 2008-250 is amended by adding the following as a new section 14:

“190 Richmond Road

14.

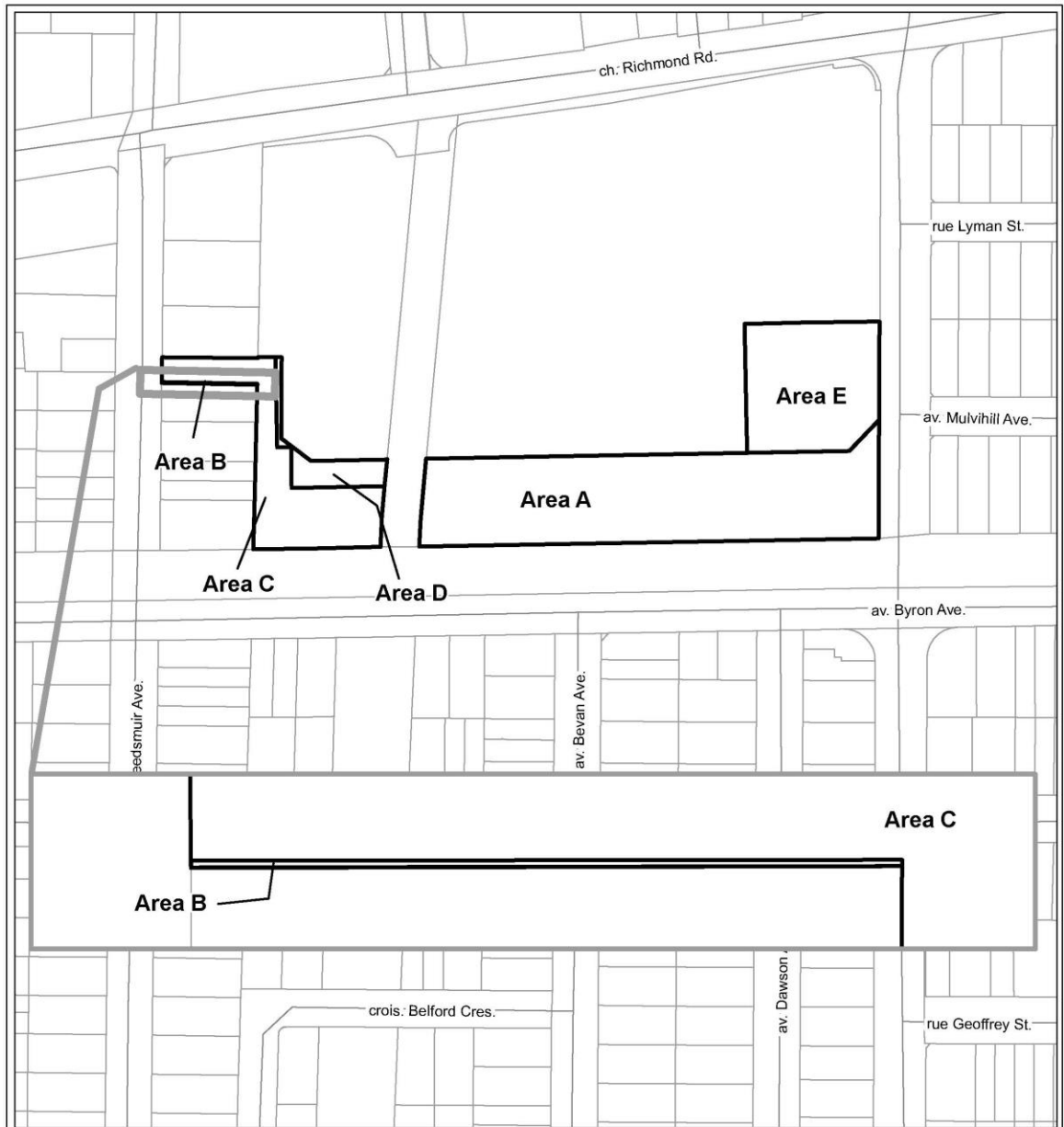
- (a) The City shall require that the owner of the lands at 190 Richmond Road enter into an agreement pursuant to Section 37 of the *Planning Act*, to be registered on title, to the satisfaction of the City Solicitor and General Manager, Planning, Infrastructure and Economic Development, to secure the public benefits noted below, and which will comprise a combination of public benefits including monies that would be paid to the City to be used for defined capital projects with the total value of the benefits to be secured being \$450,000 to the City. The specific benefits to be secured and provided are:
- i. The owner shall provide a payment of \$400,000 to the City for the development of a new City park on the portion of the subject land generally in the area rezoned to Open Space (O1).

- ii. Any leftover monies remaining after the development of the said park will be reallocated to the Ward 15 Cash-in-Lieu of Parkland account.
  - iii. The owner shall provide a payment of \$50,000 in a Ward 15 specific fund for affordable housing. The use of funds within this Ward 15 fund is under the discretion of the General Manager of Community and Social Services.
- b) Notwithstanding the foregoing, the Owner and the City may modify or amend said agreement(s), from time to time upon the consent of the City and the Owner, without further amendment to those provisions of the Zoning By-law which identify the facilities, services and matters to be secured.
- c) The payment of Section 37 funds shall be provided prior to the issuance of a building permit for the proposed development.”

ENACTED AND PASSED this 12<sup>th</sup> day of July, 2017.

CITY CLERK

MAYOR



D02-02-16-0031

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LANDS AFFECTED PART OF THE ZONING  
MAP OF BY-LAW NO. 2008-250

This is Attachment 1 to By-law Number 2017-217, passed July 12, 2017

**Lands Affected by By-law**

Area A to be rezoned from R2S[554] S208 to TM[123] H(21.5)

Area B to be rezoned from R3R to O1

Area C to be rezoned from R2S[554] S208 to O1

Area D to be rezoned from R2S[554] S208 to TM[123] H(15)

Area E to be rezoned from TM[123] H(15) to TM[123] H(21.5)



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A by-law of the City of Ottawa to amend By-law No. 2008-250 of the City of Ottawa to change the zoning of the lands known municipally as 190 Richmond Road.

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Enacted by City Council at its meeting of July 12, 2017.

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Legal Services  
CE/rm

COUNCIL AUTHORITY:  
City Council June 14, 2017  
Agenda Item 11 (PC Report No. 45)